

IC 10-14-3.5

Chapter 3.5. Uniform Emergency Volunteer Health Practitioners Act

IC 10-14-3.5-0.5

"Department of homeland security"

Sec. 0.5. As used in this chapter, "department of homeland security" refers to the department of homeland security established by IC 10-19-2-1.

As added by P.L.1-2009, SEC.92.

IC 10-14-3.5-1

"Disaster relief organization"

Sec. 1. As used in this chapter, "disaster relief organization" means an entity that provides emergency or disaster relief services that include health or veterinary services provided by volunteer health practitioners and:

- (1) is designated or recognized as a provider of the services under a disaster response and recovery plan adopted by an agency of the federal government or the department of homeland security; or
- (2) regularly plans and conducts the entity's activities in coordination with an agency of the federal government or the department of homeland security.

As added by P.L.134-2008, SEC.3. Amended by P.L.1-2009, SEC.93.

IC 10-14-3.5-2

"Emergency"

Sec. 2. As used in this chapter, "emergency" means an event or condition that is an emergency, a disaster, or a public health emergency under this article.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-3

"Emergency declaration"

Sec. 3. As used in this chapter, "emergency declaration" means a declaration of emergency issued by a person authorized to do so under state or local laws of Indiana.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-4

"Emergency Management Assistance Compact"

Sec. 4. As used in this chapter, "Emergency Management Assistance Compact" means the federal interstate compact under P.L.104-321, 110 Stat. 3877.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-5

"Entity"

Sec. 5. As used in this chapter, "entity" means a person other than

an individual.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-6

"Health facility"

Sec. 6. As used in this chapter, "health facility" means an entity licensed under the laws of Indiana or another state to provide health or veterinary services.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-7

"Health practitioner"

Sec. 7. As used in this chapter, "health practitioner" means an individual licensed under the laws of Indiana or another state to provide health or veterinary services.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-8

"Health services"

Sec. 8. As used in this chapter, "health services" means the provision of treatment, care, advice, guidance, or other services or supplies related to the health or death of individuals or human populations to the extent necessary to respond to an emergency, including:

(1) with respect to the physical or mental condition or functional status of an individual or the structure or function of the body:

(A) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care; and

(B) counseling, assessment, procedures, or other services;

(2) the sale or dispensing of a drug, a device, equipment, or another item to an individual in accordance with a prescription; and

(3) funeral, cremation, cemetery, or other mortuary services.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-9

"Host entity"

Sec. 9. As used in this chapter, "host entity" means an entity operating in Indiana that uses volunteer health practitioners to respond to an emergency.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-10

"License"

Sec. 10. (a) As used in this chapter, "license" means authorization by a state to engage in health or veterinary services that are unlawful without the authorization.

(b) The term includes authorization under Indiana law to an individual to provide health or veterinary services based upon a

national certification issued by a public or private entity.
As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-11

"Person"

Sec. 11. As used in this chapter, "person" means an individual, a corporation, a business trust, a trust, a partnership, a limited liability company, an association, a joint venture, a public corporation, a government or governmental subdivision, an agency, an instrumentality, or another legal or commercial entity.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-12

"Scope of practice"

Sec. 12. As used in this chapter, "scope of practice" means the extent of the authorization to provide health or veterinary services granted to a health practitioner by a license issued to the practitioner in the state in which the principal part of the practitioner's services are rendered, including conditions imposed by the licensing authority.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-13

"State"

Sec. 13. As used in this chapter, "state" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or a territory or an insular possession subject to the jurisdiction of the United States.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-14

"Veterinary services"

Sec. 14. As used in this chapter, "veterinary services" means the provision of treatment, care, advice, guidance, or other services or supplies related to the health or death of an animal or to animal populations to the extent necessary to respond to an emergency, including:

- (1) diagnosis, treatment, or prevention of an animal disease, injury, or other physical or mental condition by the prescription, administration, or dispensing of vaccine, medicine, surgery, or therapy;
- (2) use of a procedure for reproductive management; and
- (3) monitoring and treatment of animal populations for diseases that have spread or demonstrate the potential to spread to humans.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-15

"Volunteer health practitioner"

Sec. 15. (a) As used in this chapter, "volunteer health practitioner"

means a health practitioner who provides health or veterinary services, whether or not the practitioner receives compensation for those services.

(b) The term does not include a practitioner who receives compensation under a preexisting employment relationship with a host entity or affiliate that requires the practitioner to provide health services in Indiana, unless the practitioner is not a resident of Indiana and is employed by a disaster relief organization providing services in Indiana while an emergency declaration is in effect.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-16

Applicability

Sec. 16. This chapter applies to volunteer health practitioners who:

- (1) are registered with a registration system that complies with section 18 of this chapter; and
- (2) provide health or veterinary services in Indiana for a host entity while an emergency declaration is in effect.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-17

Limit, restrict, or regulate volunteer health practitioners by the state emergency management agency

Sec. 17. (a) While an emergency declaration is in effect, the department of homeland security may limit, restrict, or otherwise regulate:

- (1) the duration of practice by volunteer health practitioners;
- (2) the geographical areas in which volunteer health practitioners may practice;
- (3) the types of volunteer health practitioners who may practice; and
- (4) any other matters necessary to coordinate effectively the provision of health or veterinary services during the emergency.

(b) An order issued under subsection (a) may take effect immediately, without prior notice or comment, and is not a rule within the meaning of IC 4-22-2.

(c) A host entity that uses volunteer health practitioners to provide health or veterinary services in Indiana shall:

- (1) consult and coordinate the host entity's activities with the department of homeland security to the extent practicable to provide for the efficient and effective use of volunteer health practitioners; and
- (2) comply with any laws other than this chapter relating to the management of emergency health or veterinary services, including this article.

As added by P.L.134-2008, SEC.3. Amended by P.L.1-2009, SEC.94.

IC 10-14-3.5-18

Qualifications of a volunteer health practitioner registration

system; confirmation of volunteer health practitioners used in Indiana; notification; host entity not required to use services

Sec. 18. (a) To qualify as a volunteer health practitioner registration system, a system must:

- (1) accept applications for the registration of volunteer health practitioners before or during an emergency;
- (2) include information about the licensure and good standing of health practitioners that is accessible by authorized persons;
- (3) be capable of confirming the accuracy of information concerning whether a health practitioner is licensed and in good standing before health services or veterinary services are provided under this chapter; and

(4) meet one (1) of the following conditions:

(A) Be an emergency system for advance registration of volunteer health practitioners established by a state and funded through the Health Resources Services Administration under section 319I of the federal Public Health Services Act, 42 U.S.C. 247d-7b.

(B) Be a local unit consisting of trained and equipped emergency response, public health, and medical personnel formed under section 2801 of the federal Public Health Services Act, 42 U.S.C. 300hh.

(C) Be operated by a:

- (i) disaster relief organization;
- (ii) licensing board;
- (iii) national or regional association of licensing boards or health practitioners;
- (iv) health facility that provides comprehensive inpatient and outpatient health care services, including a tertiary care and teaching hospital; or
- (v) governmental entity.

(D) Be designated by the department of homeland security as a registration system for purposes of this chapter.

(b) While an emergency declaration is in effect, the department of homeland security, a person authorized to act on behalf of the department of homeland security, or a host entity may confirm whether volunteer health practitioners used in Indiana are registered with a registration system that complies with subsection (a). Confirmation is limited to obtaining identities of the practitioners from the system and determining whether the system indicates that the practitioners are licensed and in good standing.

(c) Upon request of a person in Indiana authorized under subsection (b), or a similarly authorized person in another state, a registration system located in Indiana shall notify the person of the identities of volunteer health practitioners and whether the practitioners are licensed and in good standing.

(d) A host entity is not required to use the services of a volunteer health practitioner even if the practitioner is registered with a registration system that indicates that the practitioner is licensed and in good standing.

As added by P.L.134-2008, SEC.3. Amended by P.L.1-2009, SEC.95.

IC 10-14-3.5-19

Practice by a volunteer health practitioner during a declared emergency; no protection for practitioners with suspended, revoked, or restricted practice privileges

Sec. 19. (a) While an emergency declaration is in effect, a volunteer health practitioner, registered with a registration system that complies with section 18 of this chapter and licensed and in good standing in the state upon which the practitioner's registration is based, may practice in Indiana to the extent authorized by this chapter as if the practitioner were licensed in Indiana.

(b) A volunteer health practitioner qualified under subsection (a) is not entitled to the protections of this chapter if the practitioner is licensed in more than one (1) state and any license of the practitioner is suspended, revoked, or subject to an agency order limiting or restricting practice privileges or has been voluntarily terminated under threat of sanction.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-20

Health facility credentialing and privileging not affected

Sec. 20. (a) As used in this section:

(1) "credentialing" means obtaining, verifying, and assessing the qualifications of a health practitioner to provide treatment, care, or services in or for a health facility; and

(2) "privileging" means the authorizing by an appropriate authority, such as a governing body, of a health practitioner to provide specific treatment, care, or services at a health facility subject to limits based on factors that include license, education, training, experience, competence, health status, and specialized skill.

(b) This chapter does not affect credentialing or privileging standards of a health facility and does not preclude a health facility from waiving or modifying those standards while an emergency declaration is in effect.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-21

Adherence to the scope of practice established by Indiana law; modification or restriction of health or veterinary services; unauthorized practice; administrative sanctions

Sec. 21. (a) Subject to subsections (b) and (c), a volunteer health practitioner shall adhere to the scope of practice for a similarly licensed practitioner established by the licensing provisions, practice acts, or other laws of Indiana.

(b) Except as provided in subsection (c), this chapter does not authorize a volunteer health practitioner to provide services that are outside the practitioner's scope of practice, even if a similarly licensed practitioner in Indiana would be permitted to provide the

services.

(c) The department of homeland security may modify or restrict the health or veterinary services that volunteer health practitioners may provide under this chapter. An order under this subsection may take effect immediately, without prior notice or comment, and is not a rule within the meaning of IC 4-22-2.

(d) A host entity may restrict the health or veterinary services that a volunteer health practitioner may provide under this chapter.

(e) A volunteer health practitioner does not engage in unauthorized practice unless the practitioner has reason to know of a limitation, modification, or restriction under this section or that a similarly licensed practitioner in Indiana would not be permitted to provide the services. A volunteer health practitioner has reason to know of a limitation, modification, or restriction or that a similarly licensed practitioner in Indiana would not be permitted to provide a service if:

- (1) the practitioner knows the limitation, modification, or restriction exists or that a similarly licensed practitioner in Indiana would not be permitted to provide the service; or
- (2) from all the facts and circumstances known to the practitioner at the relevant time, a reasonable person would conclude that the limitation, modification, or restriction exists or that a similarly licensed practitioner in Indiana would not be permitted to provide the service.

(f) In addition to the authority granted by laws of Indiana other than this chapter to regulate the conduct of health practitioners, a licensing board or other disciplinary authority in Indiana:

- (1) may impose administrative sanctions upon a health practitioner licensed in Indiana for conduct outside of Indiana in response to an out-of-state emergency;
- (2) may impose administrative sanctions upon a practitioner not licensed in Indiana for conduct in Indiana in response to an in-state emergency; and
- (3) shall report any administrative sanctions imposed upon a practitioner licensed in another state to the appropriate licensing board or other disciplinary authority in any other state in which the practitioner is known to be licensed.

(g) In determining whether to impose administrative sanctions under subsection (f), a licensing board or other disciplinary authority shall consider the circumstances in which the conduct took place, including any exigent circumstances, and the practitioner's scope of practice, education, training, experience, and specialized skill.

As added by P.L.134-2008, SEC.3. Amended by P.L.1-2009, SEC.96.

IC 10-14-3.5-22

No limitation on rights, privileges, or immunities; emergency forces

Sec. 22. (a) This chapter does not limit the rights, privileges, or immunities provided to volunteer health practitioners by laws other than this chapter. Except as provided in subsection (b), this chapter

does not affect requirements for the use of health practitioners under the Emergency Management Assistance Compact.

(b) The department of homeland security, under the Emergency Management Assistance Compact or the Interstate Emergency Management and Disaster Compact, may incorporate into the emergency forces of Indiana volunteer health practitioners who are not officers or employees of Indiana, a political subdivision of Indiana, or a municipality or other local government within Indiana.
As added by P.L.134-2008, SEC.3. Amended by P.L.1-2009, SEC.97.

IC 10-14-3.5-23

Adoption of rules for implementation; reasonably compatible with other states

Sec. 23. The department of homeland security may adopt rules under IC 4-22-2 to implement this chapter. In doing so, the department of homeland security shall consult with and consider the recommendations of the entity established to coordinate the implementation of the Emergency Management Assistance Compact or the Interstate Emergency Management and Disaster Compact and shall also consult with and consider rules adopted by similarly empowered agencies in other states to promote uniformity of application of this chapter and make the emergency response systems in the various states reasonably compatible.

As added by P.L.134-2008, SEC.3. Amended by P.L.1-2009, SEC.98.

IC 10-14-3.5-24

Consideration of uniformity in application and construction

Sec. 24. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

As added by P.L.134-2008, SEC.3.